

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARIUS WATSON,

Petitioner,

Case No. 24-13218

Hon. Jonathan J.C. Grey

v.

ERIC RARDIN,

Respondent.

**OPINION AND ORDER DISMISSING PETITION WITHOUT
PREJUDICE, DENYING CERTIFICATE OF APPEALABILITY,
AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS**

Petitioner Darius Watson is currently incarcerated in Milan, Michigan. He filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) He did not pay the required \$5.00 filing fee, nor did he apply to proceed in forma pauperis when he filed the case. *See* 28 U.S.C. §§ 1914(a), 1915. Chief Magistrate Judge David R. Grand issued a deficiency order requiring Watson to either pay the filing fee or submit an in forma pauperis application. (ECF No. 3.) The order provided that if he did not do by January 6, 2025, the case would be dismissed. (*Id.*) The time for submitting the filing fee or required information to

proceed in forma pauperis has elapsed, and Watson has not corrected the filing deficiency. The Court, therefore, dismisses the habeas petition without prejudice. The Court makes no determination as to its merits.

Before Watson may appeal this ruling, a certificate of appealability (“COA”) must issue. *See* 28 U.S.C. § 2253(c)(1)(a). A COA may issue only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies relief on procedural grounds, a COA should issue if the petitioner shows that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court’s procedural ruling is correct. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Reasonable jurists would not debate the correctness of the Court’s procedural ruling, so the Court denies a COA.

Accordingly, **IT IS ORDERED** that the petition for a writ of habeas corpus (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. **IT IS FURTHER ORDERED** that Watson is not authorized

to file an appeal in forma pauperis because an appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: June 16, 2025

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 16, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager